

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Byung Mo KANG Confirmation No: 3628
Appl. No. : 10/534,967
Filed : May 16, 2005
Title : A PERINEUM MUSCULAR POWER INCREASE DEVICE AND
A METHOD THEREOF

TC/A.U. : 3764
Examiner : L. B. Amerson

Docket No.: : KANG3018/REF
Customer No: : 23364

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action of January 23, 2007, in connection with the above identified application.

The Official Action is a restriction requirement in which it is urged that there are two separate and distinct inventions claimed in this application. Applicant elects the Group I invention which includes claims 1-15, without traverse.

It is further urged that this application contains claims generic to disclosed patentably distinct species as set forth on page 3 of the Official Action and Applicants must elect a single disclosed species. Applicant elects Species I directed towards claims 1-5, with traverse. Applicants most respectfully submit that the species identified as Species I through VI are not patentably distinct and would not place an undue search burden on the Examiner and for this reason, the requirement should be withdrawn except for species of VI which is in the group II invention. The Group I invention was elected without traverse.

It is asserted in the Official Action that the species represent alternative embodiments which is correct. However, it is not explained how these alternative embodiments are patentably distinct or why there is an undue search burden on the office. Accordingly, it is most respectfully requested that Species I through V be examined as the elected group I invention of claims 1-15.


Appl. No. 10/534,967
Response dated: February 23, 2007
Reply to OA of: January 23, 2007

Applicants reserve the right to file one or more divisional applications on the non-elected inventions at a later time.

In view of the election of the Group I invention, without traverse, and Species I, with traverse, an early and favorable action on the merits is now believed to be in order and is most respectfully requested.

Respectfully submitted,

BACON & THOMAS, PLLC

By: 
Richard E. Fichter
Registration No. 26,382

625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080
REF/cjw
Response to RR.wpd
February 23, 2007